THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5474 OF 2006

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Dated: 20-03-2006

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BETWEEN

A. Chandraiah, S/o. Yadagiri,

Occ: Agriculture and others.

...PETITIONERS

AND

The District Collector,

Ranga Reddy District

and others.

...RESPONDENTS

ORDER:

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Petitioners seek a Writ of Certiorari calling for the records pertaining to File No.B1/953/2005 from the Office of the Mandal Revenue Officer, Ghatkesar Mandal and quash the order passed by the Mandal Revenue Officer dated 25.05.2005 to resume the land in Survey No.62/2 of Medipally Village admeasuring 10 acres without notice to the petitioners and other affected parties as illegal and arbitrary.

Learned counsel for the petitioners submits that an extent of
10 acres of land in Sy.No.62/2 of Medipally Village, Ranga Reddy District, was originally assigned in favour of Smt. S. Laxmibai,

a political sufferer, Ex-Member of Parliament, in 1974 vide orders of the Government in G.O.Ms.No.563 dated 14.06.1974 and Patta certificate was also issued to her in File No.B2/2511/1974 and the certificate of possession was also delivered to her on 18.06.1975 and she died in 1979. Her nephew Sri D. Sitharama Raju succeeded to the property and his name was also mutated in the revenue records. Later he sold the property in favour of Sri S.K. Srinivasulu and

Sri S. Janardhan through a registered sale deed bearing document No.5084/81 dated 15.10.1981. He further submits that Sri

S.K. Srinivasulu released his share in favour of Sri S. Janardhan through a registered Release deed bearing document No.4350/92 dated 09.06.1992 and he became the owner of the entire land and his name was also mutated in the revenue records and he was shown as pattadar and possessor of the said land. He further submits that the said Janardhan developed the said property and sold to different third party purchasers and thus, the petitioners are the bonafide purchasers of the said plots.

While so, Form – I notice No.B1/953/2005 dated 16.03.2005 under Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') has been issued for contravention of the provisions of sub-section 2 of Section 3 of the Act to the said Janardhan and as he refused to receive the said notice,

the impugned order has been passed under Section 4-1 of the Act dated 25.05.2005 in B1/953/2005.

Learned counsel for the petitioners further submit that the petitioners have purchased the said land from S. Janardhan in 2002 and they are lawful owners and possessors and therefore, the said land cannot be resumed. He further submits that the said land originally assigned to Smt. S. Laxmibai, a political sufferer, is alienable land and after 25 years, the said land cannot be resumed.

I am of the opinion that the orders of the Government in G.O.Ms.No.563 Revenue (V) Department dated 14.06.1974 does not disclose the extent of the land assigned to Smt S. Laxmibai and unless the assignment order and terms and conditions therein are perused it may not be just and proper for this Court to decide whether there is a restriction for alienating the said land and whether the said land was assigned without any restrictions

whatsoever. However, as there is an effective alternative remedy by way of appeal under Section 4-A of the Act, the petitioner is permitted to file an appeal before the Revenue Divisional Officer within two weeks from the date of receipt of a copy of this order and on such an appeal being filed, the RDO shall examine the terms and conditions of the GO and assignment orders and if there is no prohibition for alienation, the RDO shall pass appropriate orders in accordance with law. Till such orders are passed status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 20, 2006

DSK